Supreme Court, U. S.
FILED
MAR 26 1977
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1976
No. 76-980

IN THE MATTER OF
JOHN W. KRAFT,
Petitioner

PETITION FOR REHEARING FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE STATE OF IDAHO

JOHN W. KRAFT
In Propria Persona

P.O. Box 4025
Pioneer Square Station
Seattle, WA 98104

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1976
No. 76-980

IN THE MATTER OF
JOHN W. KRAFT,
Petitioner

PETITION FOR REHEARING FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF IDAHO

TO: The Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States

JOHN W. KRAFT, petitioner herein, prays that rehearing be granted and that a writ of certiorari issue to review the judgment of the Supreme Court of the State of Idaho entered in the above entitled case on September 27, 1976.

CONCISE STATEMENT OF GROUNDS FOR REHEARING

The Supreme Court of the State of Idaho, subsequent to the filing of the petition for writ of certiorari by your petitioner, by its command, execution, and administration of its order dated September 27, 1976, has decided a federal question of substance not heretofore decided by this Honorable Court, and in a manner not in accord with applicable decisions of this Court. The Supreme Court of the State of Idaho has, by and through its prosecutor, repeatedly commanded that your petitioner respond to questions of practice before the United States Patent Office under 35USC31 by virtue of the authority

of its order dated September 27, 1976. Questions of practice before the United States Patent and Trademark Office are solely within the jurisdiction of the United States and not subject to state laws, regulations or orders. The question now submitted to this Honorable Court is the jurisdiction, scope, and authority of a state court to decide, command, execute, and administer federal laws respecting the practice before the United States and Trademark Office.

The Supreme Court of the State of Idaho has so far departed from the accepted and usual course of judicial proceedings, and so far sanctioned such departure therefrom as to call for the exercise by this Honorable Court of its power of supervision. Since filing the petition for writ of certiorari, The Supreme Court of the State of Idaho, by and through its Commissioners, has disseminated evidence and testimony and permitted its use in other civil and criminal proceedings in contravention of Rule 164 of the Supreme Court of the State of Idaho, which rule provides in part:

> "Any testimony given by the accused in a disciplinary proceeding shall be priviledged and shall not be used in any other civil or criminal proceedings against the accused."

The question now presented to this Honorable Court is whether or not the supervision of this Court may be invoked.

The Supreme Court of the State of Idaho has failed and refuses to command that all documents, records, evidence and testimony in the case be brought before it and the record is incomplete, thereby abridging Rule 167 of the Idaho Supreme Court. The Rule 152 of The Supreme Court of the State of Idaho set out in the petition for writ of certiorari denies equal protection under the law to attorneys in Idaho as provided by the constitutions of both the United States of America and the State of Idaho by granting absolute immunity to complainants of attorneys. Gross departure from accepted and usual course of judicial proceedings is further evident from the petition for writ of certiorari before submitted to the Court. Coupled with the grounds here submitted appears to require that this Court exercise it power of supervision.

Review under Title 28 United States Code Section 1252 et seq. of the incomplete record before the Supreme Court of the State of Idaho by this Honorable Court would merely frustrate the intent and reasons for judicial review. This provides further grounds for this Honorable Court to exercise its power of supervision.

The prayer here sought is not in any respect a means of seeking avoidance of charges or the consequences of judgments on procedural grounds. This petition is respectfully submitted to establish and require the proper administration of justice under fact patterns and controversies not before decided directly by this Honorable Court. The most favorable determination of procedural and substantive matters can not now restore your petitioner to his former position or station. Denial of the present petition will ignore the most flagrant abuse of power, acceed to determination of federal questions of substance not in accord with applicable decisions of this Court, and will ignore extreme and gross departures from accepted and usual courses of judicial proceedings. The present state of the case provides authority and license for further abuses of power. Your petitioner is informed and believes, and upon such information and belief alleges that certain attorneys have become so alarmed by the rules of the Supreme Court of the State of Idaho granting absolute immunity to complainants, sanctions to permit gross departures from accepted and usual judicial proceedings, and the absence of limitations of actions with respect to time that proposed legislation is being commenced and pursued to restrict and further define the scope of authority of

the Supreme Court of the State of Idaho. Thus, the questions here presented become extremely important issues affecting the fundamental foundation in the administration of justice.

Respectively submitted,

JOHN W. KRAFT
In Propria Persona

CERTIFICATE OF PETITIONER

I, JOHN W. KRAFT, petitioner herein, do by these presents certify that the within petition for rehearing is presented in good faith and not for the purpose of delay. Further, that favorable determination of the merits of the present petition does not stay, change or alter the order, command and execution of judgment now existing in anyway, and that any such order, command or judgment shall not be changed or altered except by subsequent final judgment upon the merits of this case by this Honorable Court. Your petitioner certifies that this petition is restricted to the grounds set out in this petition for rehearing of which this certificate forms a part.

JOHN W. KRAFT
In Propria Persona

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the within PETITION FOR WRIT OF CERTIORARI has been deposited in the United States mail, by Airmail, postage prepaid, certified, return receipt requested on this 25th day of March, 1977, to the following named persons, entities, and bodies at the address shown:

Clerk of the Supreme Court
of the State of Idaho
Supreme Court Building
Boise, Idaho 83702

The Idaho State Bar
204 West State Street
Boise, Idaho 83702

Gerald W. Olson
303 Spaulding Bldg.
Box 1725
Pocatello, Idaho 83201

Mack A. Redford
815 Washington
Boise, Idaho 83702

Thomas A. Mitchell
316 Elder Bldg.
Coeur d'Alene, Idaho 83814

Louis H. Cosho
Bank of Idaho Bldg.
Boise, Idaho 83702

Dean E. Miller
1801 Ellis
Caldwell, Idaho 83605

Ronald L. Kull
204 West State Street
Boise, Idaho 83702

David W. Cantrill
525 Main Street
Boise, Idaho 83702

Cumer L. Green
524 Main Street
Boise, Idaho 83702

JOHN W. KRAFT